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The best training available on critical, real-world issues.

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EnCase® Annual Passport Fees per student

Program	Price	Government Rate
One Year Annual Training Passport	$5,500 (£3,437.50)	$5,000 (£3,125)
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Two Year upgrade	$7,000 (£4,375)	$6,000 (£3,750)

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http://www.guidancesoftware.com/computer-forensics-training-annual-training-passport.htm

Guidance®
SOFTWARE

Training Facilities

About Guidance Software (NASDAQ: GUID)

Guidance Software is recognized worldwide as the industry leader in digital investigative solutions. Its EnCase ® platform provides the foundation for government, corporate and law enforcement organizations to conduct thorough, network-enabled, and court-validated computer investigations of any kind, such as responding to e-discovery requests, conducting internal investigations, responding to regulatory inquiries or performing data and compliance auditing - all while maintaining the integrity of the data. There are more than 30,000 licensed users of the EnCase technology worldwide, the EnCase ® Enterprise platform is used by more than half of the Fortune 100, and thousands attend Guidance Software's renowned training programs annually. Validated by numerous courts, corporate legal departments, government agencies and law enforcement organizations worldwide, EnCase has been honored with industry awards and recognition from Law Technology News, KMWorld, Government Security News, and Law Enforcement Technology.

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Take advantage of maximum flexibility in scheduling and course selection.

All organizations must constantly train investigative personnel to maintain the broad-based, changing skill set required for today's digital investigations. With increasing caseloads, personnel changes and unpredictable schedules, meeting this obligation can prove challenging. Guidance Software has developed solutions that address these challenges at a practical price. Purchase five or more classes at a reduced rate, and use those training seats in the way that best suits your needs.

Program	USD (per seat)	GBP (per seat)
GTO (5-seat minimum)	$1,895	£1,184.38
CTO (5-seat minimum)	$2,895	£1,809.38

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Combine delivery options for even greater scheduling and training flexibility.

Guidance Software has bundled together classroom and electronic courses for two of our most popular courses, giving organizations and forensics professionals more opportunities to develop the highest level of skills.

Purchase either the EnCase Computer Forensics I or EnCase Computer Forensics II Premium course and students receive a classroom-delivered course at a Guidance Software-owned facility plus the corresponding OnDemand course as a refresher. One price – both options.

	Price	Government Rate
Premium 4-day Course and OnDemand	$3,495 (£2,184.38)	$2,595 (£1,621.88)

Just attended either Guidance Software's EnCase Computer Forensics I or EnCase Computer Forensics II course and want to take advantage of the corresponding Premium course? With this offer, students may purchase this bundle within 14 days of the last day of class and take this online class for up to six months from the date of purchase.

	Price	Government Rate
Premium 4-day Course OnDemand Upgrade	$500 (£312.50)	$500 (£312.50)

EnCase Certifed Computer Examiner (EnCE ®) Certifcation Bootcamp

The EnCE certification has become the gold standard for digital examiners. With this program, students can prepare for certification while learning how to maximize their use of EnCase software and solutions. The bundle provides all required training and test preparation for EnCE certification. Students participating in this bootcamp take advantage of three courses: the EnCase OnDemand Computer Forensics I, EnCase OnDemand Computer Forensics II, and the EnCase EnCE Prep course, which is taken in the classroom. On the final afternoon of the EnCE Prep course, the EnCE written examination will be administered to the students in a monitored, timed environment.

	Price	Government Rate
EnCE® Certiication Bootcamp	$4,995 (£3,121.88)	$3,995 (£2,496.88)

Fees and restrictions are subject to change. For the most up-to-date information on any of our courses or programs, contact Guidance Software Training at training@guidancesoftware.com or 626-229-9191 ext. 566.

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Overview of the eDiscovery Process and EnCase® Legal Hold

EnCASE® eDISOVERY SOLUTION

Congratulations on receiving EnCase® Legal Hold to assist you with your in-house litigation needs. With EnCase Legal Hold as part of EnCase® eDiscovery and your preferred attorney review tool, your company has the power to perform litigation holds, eDiscovery collection, production, and review in an efficient, accurate, and inexpensive way, all in-house and within one integrated system.
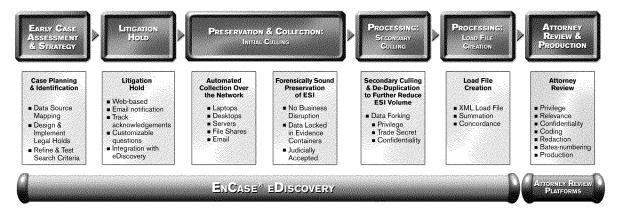

Figure 1-1 EnCase eDiscovery maps to the EDRM

Overview of the EnCase Legal Hold

EnCase Legal Hold is a web application that works in conjunction with EnCase® Command Center (ECC) and is uniquely integrated with EnCase eDiscovery. In order to satisfy preservation obligations, you can perform a variety of tasks relating to the placement of legal restrictions on documents and other electronic evidence from its web interface. EnCase Legal Hold automates and manages the litigation hold process. It has the ability to manage cases and custodians in a consistent, reliable, and repeatable fashion, including.

- Ease of use and ability to access the application from anywhere
- Automate your legal hold process and satisfy preservation obligations through custodian email notification
- Identify and notify custodians of the need to preserve important data when litigation is pending or anticipated
- Receive acknowledgements from the custodians confirming that they recognize a legal hold is in place

- Interview custodians about their relevant data through a questionnaire

- Receive custodial responses to the questionnaire

- Enforce your legal holds through the tight integration of EnCase® eDiscovery, using a process that is planned, systemized, and scalable; and by preserving relevant data in a forensically sound manner without employee assistance

- Generate an executive summary and detailed reports of the legal hold process, status, and custodian responses

THE LEGAL HOLD PROCESS

The legal hold process includes the following:

- Creation of an email notification with specific questions and a legal notice

- Distribution of that email to a list of custodians

- Tracking responses and changes to the custodian list

- Preservation of potentially relevant custodial documents (through EnCase eDiscovery collection)

- Releasing the custodians from the hold when appropriate to the case

- Reporting on the status of the legal hold and custodian responsiveness

When relevant information to a case is placed in a legal hold, it is important to prove a complete chain-of-custody from the moment the duty to preserve documents occurs through the final phases of eDiscovery. EnCase Legal Hold helps corporate legal departments work through this process.
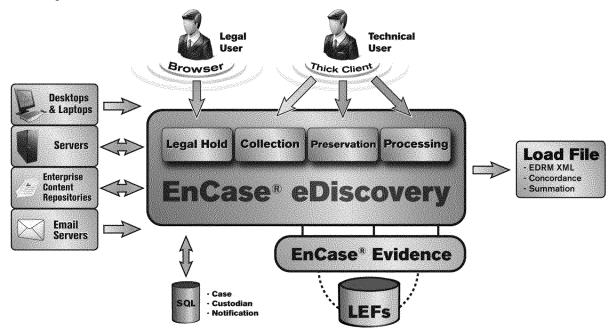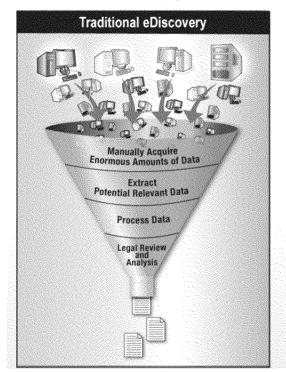

Figure 1-2 EnCase eDiscovery with Legal Hold

The eDiscovery capability of ECC can then be employed for Electronic Stored Information (ESI) collection, preservation, and processing. The revolutionary technology of ECC changes the traditional eDiscovery process into a much faster, more efficient, and inexpensive operation.
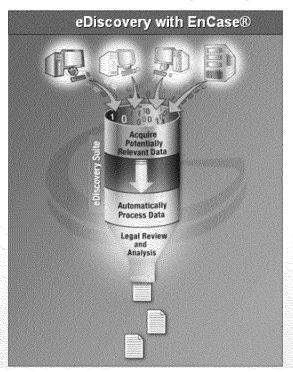

Figure 1-3 eDiscovery process – traditional approach versus EnCase eDiscovery

Traditional methods in the eDiscovery process meant acquiring enormous amounts of data from targeted computers and extracting potentially relevant items from this large pool of data. This slightly smaller collection is then processed for and ultimately reviewed by the legal team before being produced. Each phase of this process involves unnecessary direct and indirect spending. This cost can be greatly reduced by using the ECC solution.

The ECC eDiscovery process allows the examiner to search, acquire, and process only the potentially relevant data. This smaller pool of data is then processed and presented for legal review.

Typically cost savings may come from:

- Collecting only relevant items as opposed to imaging all data
- Using keywords, Boolean searching, file extensions, descriptions, and other filtering information to further reduce the collection
- Reduced storage needed for the reduced amount of data
- Less data is produced through the review platform
- Reduced man hours for collection and review
- Less down-time for acquiring data resulting in increased productivity

END-USER TRAINING IN EnCASE LEGAL HOLD

EnCase Legal Hold enables you to perform the necessary steps to complete the legal hold process. In this course you will receive training on how and why to perform each of these tasks:

- Creating a case
- Adding custodians
- Creating a hold
- Creating questions
- Sending hold notifications to selected custodians
- Sending recurring hold notifications and response reminders
- Constructing release notifications to custodians within the hold
- Sending release notifications

EnCase Legal Hold also provides you with a variety of tools that include the ability to generate the following reports, which we will be covering in detail:

- Current View
- Hold Summary
- Custodian Answers
- Response Summary Report
- Custodian Hold History
- Custodian Job History

This is an end-user training course. For configuration and administrative functions for EnCase Legal Hold, please see the EnCase® Legal Hold User Guide and/or the EnCase® eDiscovery Training course student manual, including:

- Installing Legal Hold (for administrators; see Installation and Configuration section of the EnCase Legal Hold User Guide)
- Configuring SMTP email settings (for administrators; see Installation and Configuration on section of the EnCase Legal Hold User Guide)
- SQL Database set up and administration and reserving a case (see EnCase® Command Center User's Guide)

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Orientation to EnCase® Legal Hold

OPENING EnCASE LEGAL HOLD

For best performance Guidance Software recommends opening EnCase Legal Hold (Legal Hold) in Mozilla Firefox® 3 or Microsoft® Internet Explorer 7.

In most cases you will not need to enter any credentials to log into Legal Hold. Legal Hold automatically detects your credentials from your workstation and uses them to log onto the Legal Hold server.

Some browsers, however, may have security settings that require you to log in explicitly. If this is the case, your browser prompts you with a login dialog. If such a dialog appears, enter your corporate (domain) username and password to access Legal Hold.

The address of your web server can vary, depending on whether or not your system administrator has enabled secure sockets layer (SSL) security. SSL is the security layer that major ecommerce sites use to protect sensitive information such as credit card numbers.

If you are told your Legal Hold server address starts with https, be sure to enter the letter "s" when you go to the site. Do not replace the string "https" with "http." Doing so instructs your web browser to ignore SSL security and prevents you from being able to access Legal Hold.

Always enter the server address exactly as provided to you by your system administrator.

Accessing Legal Hold

To access Legal Hold:

1. Open your web browser

2. Navigate to the Legal Hold address provided by your system administrator

    NOTE: Because security is so important, you must have been granted logon privileges by your system administrator before you are allowed to access the system.
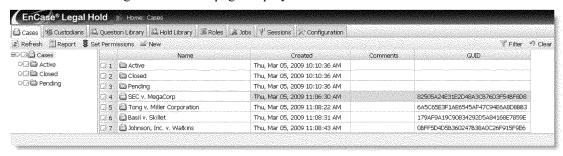
3. The Legal Hold home page displays

Figure 2-1 EnCase Legal Hold interface

VIEWING YOUR INFORMATION

Legal Hold contains information about a variety of items such as custodians, questions, holds, and releases. These items can be grouped together within a case. With the exception of custodians, they can also be grouped together into larger, global libraries.

When you are working within a case, you are only seeing the holds, questions, and releases that reside in that specific case. These are active holds, questions, custodians, and releases, which are intended to be sent out and tracked.

Because it can be time consuming to create the same hold or question text repeatedly for a number of cases, Legal Hold provides libraries for your frequently used holds and questions. The holds and questions in libraries are inactive; they cannot be sent out to custodians on their own. They are meant to be used as templates for new cases. Holds that you create in cases do not automatically appear in the Hold Library. Hold Library holds are always created specifically for the library.

When you pull a hold or question from a library into a case, a copy is made in the case. Any changes you make to the hold or question does not affect the hold or question in the library. If you create a hold directly in a case, it *does not* have a corresponding template in the library.

Because a custodian refers to an actual human being, there are no custodian templates. Custodians exist in the global database as well as case databases regardless of how they are created. If you create a new custodian from within a case, that custodian is automatically stored in the global database.

A custodian's contact information can be modified specifically for each case. If you modify contact information within a case, that information *will not* change the custodian's contact information in the global database.

NAVIGATION

There are three toolbars at the top of EnCase Legal Hold:
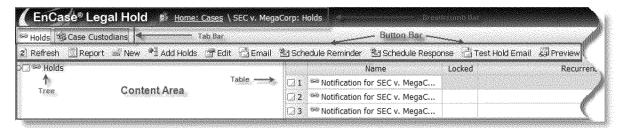
- Breadcrumb bar

- Tab bar

- Button bar

Figure 2-2 EnCase Legal Hold navigation

Breadcrumb Bar

The top toolbar, the breadcrumb bar, tells you where you are and what you are currently working on.

Figure 2-3 Breadcrumb bar

Underlined links in the breadcrumb bar show the hierarchical structure. For example in Figure 2-3, you are looking at the Holds tab in the SEC v. MegaCorp case. Clicking on a link moves you back to that page or activity.

Clicking the up 🔼 icon moves you up one level in the breadcrumb hierarchy.

Rollover tooltips show where you would go if you clicked the link.

Tab Bar

The tab toolbar shows tabs that indicate what you can look at based on your current location in the breadcrumb bar. If you are working in the home screen as an end-user, the tabs are:

- Cases
- Custodians
- Question Library
- Hold Library

The tabs you see are based on your specific permissions and are configured by your system administrator.

When you pick a tab, the buttons below the tab bar change. The buttons always provide you with appropriate actions for the button you have selected.

Button Bar

The button toolbar shows buttons that enable you to perform actions on the object you are currently viewing.

There are several types of buttons. Unless otherwise noted, a button will act upon whatever row(s) are currently selected and marked with a blue check. See the Selecting Rows section later in this lesson.

Figure 2-4 Button bar

There are four types of buttons in Legal Hold:

- **Standalone** buttons do not require any item to be selected. Examples are **New** and **Refresh**.

  o   **New** opens a dialog that enables you to create a new item

  o   **Refresh** refreshes the current screen

- **Single** buttons act on a single selected item. **Edit** is an example.

  o   **Edit** opens up a dialog that enables you to modify the currently selected item.

- **Multiple** types of buttons act on one or more selected items. **Generate Report** is an example.

  o   When this button is clicked, a report is generated showing information about all those items

- **Folder** buttons act on whatever folder is selected in the left pane of the content area. You can select only one folder in the tree. As opposed to rows, you only need to highlight a folder to select it. An example is **New Folder**.

  o   Clicking the **New Folder** button enables you to create a new folder in the folder you have selected

Content Area

Underneath the button bar is the content area. The tree appears on the left and the table shows content on the right.

Folders in the tree show a hierarchical nesting of your cases, holds, custodians, and so forth.

The content in the table can be manipulated in several ways:

- Columns can be resized by dragging their right-hand edge in the column header

- Double-clicking on a column header sorts the table by that column

  o   The default sorting strategy is ascending (A to Z) for alphabetic entries, and ascending numerically for dates and numbers

  o   Double-clicking the column header again reverses the sort order

Double-clicking on a row in the table always causes that item to open. This either opens a new dialog or changes the breadcrumbs. For example double-clicking on a configuration row opens up the setup configuration dialog, while double-clicking on a case changes the breadcrumb bar to show that you are currently in the case.

Selecting Rows

A row is selected in Legal Hold by ***clicking the checkbox*** by the row, causing a ***blue check*** to appear.

Highlighting a row ***does not*** select it. If you merely highlight the row without selecting the checkbox, the button actions you select in the toolbar do not act upon that row.

For the purpose of our training, the term "selecting" means clicking on the checkbox and causing a blue check to appear.

Filtering Your Information

Every content pane in Legal Hold provides you with a filtering option to pare down a long list into one that is more manageable. The filter hides rows in the table area of your window so that fewer items are visible.

On the top right side of the table pane are two buttons: **Filter** and **Clear**.

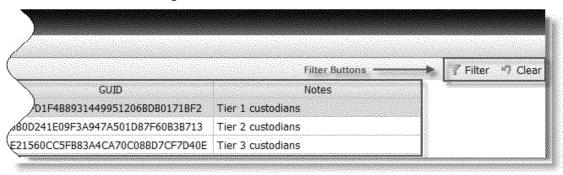We will discuss filtering in more detail after we have some cases and custodians to filter.

GUID	Notes
D1F4B8931449951206BDB0171BF2	Tier 1 custodians
B0D241E09F3A947A501D87F60B3B713	Tier 2 custodians
E21560CC5FB83A4CA70C08BD7CF7D40E	Tier 3 custodians

Figure 2-5 Filtering lists

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Cases and Custodians

RESERVE A CASE

The first step in creating a legal hold is to create a case.

To create a case in EnCase® Legal Hold (Legal Hold), a case must first be reserved in the EnCase® Command Center (ECC) installed on your network. Legal Hold and ECC use the same database for tracking custodians and evidence, providing a seamless integration and eDiscovery workflow.

Therefore before you can start your legal hold, you need to have a database to track your case and custodians. A reserved case is an ECC-standard case database that has been created in SQL and initialized through the ECC but contains no data. An IT or database expert sets up this case in ECC to ensure that your organization's data policies and standards are maintained.

Multiple cases can be reserved at a time. Many organizations have a number of reserved cases prepared in ECC, so as a Legal Hold end-user, you can create a Legal Hold case at any time without prior coordination or waiting for an ECC administrator. As long as reserved cases are available in ECC, you can create cases in Legal Hold.

NOTE: Only an ECC administrator should create a reserved case for use in Legal Hold. For details please refer to the EnCase Command Center User's Guide or the EnCase eDiscovery Training course student manual.

ADDING A NEW CASE

After you know a reserved case is available in ECC, you can create a new case. To create a new case:
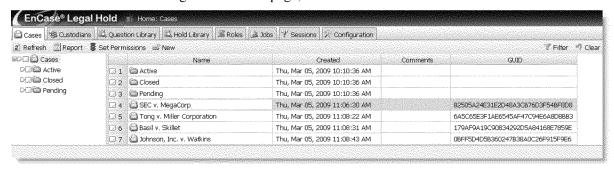
1. From the Legal Hold home page, click the **Cases** tab

Figure 3-1 Click on the Cases tab

2. Click the **New** button
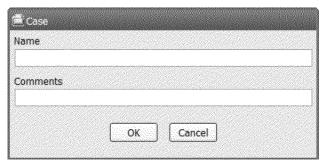
    - The Case dialog appears

Figure 3-2 Case dialog box

3. Enter the name of the case, any comments you may have, and click **OK**

    - The new case is created and stored within the currently selected folder

NOTE: As a reminder before you can create a new case in Legal Hold, a reserved case must be available in EnCase Command Center. *If an error appears that a reserved case is not available*, contact your EnCase Command Center administrator to create a reserved case.

OPENING A CASE

To open a case:

1. From the Legal Hold home page, click the **Cases** tab
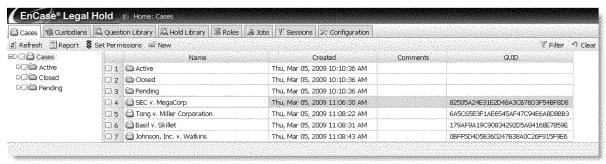
Figure 3-3 Open a case

2. Double-click on a case name to open it

PRESERVING LOGGED INFORMATION

When the formal process of a hold ends, the logged information from that hold still needs to be preserved and reported upon. For example a hold notification sent to a large group in the company has ended, but the executives of the company are still subject to a separate hold in the same case. In order to show good faith and good processes, the legal team may wish to give the judge a summary of what happened and which custodians were affected by the first notification.

In order to insure accurate tracking throughout the Legal Hold and ECC databases, every custodian and hold is assigned a GUID (a globally unique identifier).

In addition actions within the EnCase® eDiscovery legal hold process pertaining to custodians are tracked and viewed with a variety of reporting options. For a complete list of items audited and logged in reports, see Auditing and Logging of Information in Lesson 7, Reporting from EnCase® Legal Hold.

CUSTODIANS

After you create a case, it is the best practice to identify the custodians that are to be associated with the case. Custodians are the keepers of any records that may be relevant to a case or legal proceeding.

To identify your custodians for a case, you can either select custodians from the list of existing custodians or create a new custodian. The case you are working on contains only the relevant subset of all the custodians available:

- The list of all available custodians is called the Global Custodians List

- The custodians associated with your case are called the case custodians; they can be found within the case itself

After you have added the appropriate custodians to your case, you can select the ones that you wish to notify in your hold. We will cover this in Lesson 5, Hold Notifications.

Before we add custodians to your case, we are going to review the Custodians tab and discuss how to review the global custodian list and add new custodians.

Finding a Custodian within the Global Custodian List

To find a custodian within the global custodians list populated by the ECC database:
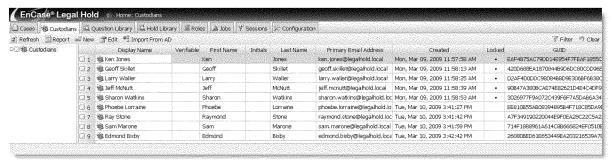
1. From the Legal Hold home page, click the **Custodians** tab

Figure 3-4 The Global Custodian List

2. Double-click on a custodian to open up that custodian

Importing Custodians from Active Directory

Windows® Active Directory (AD) is a Microsoft® technology used by system administrators to store information about users, assign security policies, and deploy software. Legal Hold accesses this repository of user information to streamline the gathering of custodian information.

To import custodians from Active Directory:

1. From the Legal Hold home page, click the **Custodians** tab
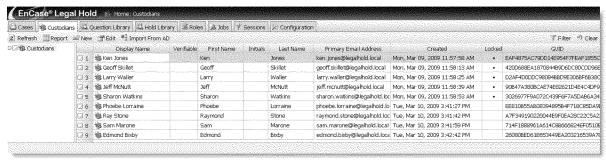
Figure 3-5 Custodian tab

2. Click **Import from AD**

- The Active Directory tab displays

Figure 3-6 Active Directory tab

3. To add a new custodian, expand either the Users or the Groups folder.

- Opening the Users folder shows all the users currently known to Active Directory

- Opening the Groups folder shows all the groups that have been created in ActiveDirectory

4. Check the users or groups you want to add as custodians and click **OK**

- The individual names or members of the groups you selected are added to the global custodians list

NOTE: If a new AD user is added to a group that has already been imported into Legal Hold, that user does not automatically appear in Legal Hold. All new group members need to be imported individually.

Finding a Custodian within a Case

To find a custodian within a case:

1. Open a case

   - From the Legal Hold home page, click the **Cases** tab

   - Double-click on the desired case name

     o The breadcrumbs change to show that you are now in the selected case
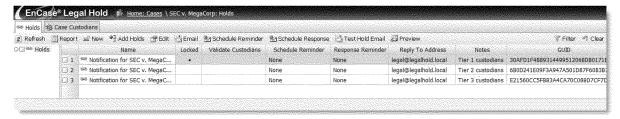

Figure 3-7 Finding a custodian

2. Open the Case Custodians tab

   - The list of custodians in the case displays

Creating a New Custodian

There are two parts to creating a new custodian: creating the custodian and adding email addresses for that custodian. *It is highly recommended that you use this option only if absolutely necessary.* The global custodian list populated by the ECC database is extracted from the Active Directory in your organization.

To create a new custodian:

1. From the Legal Hold home page, click the **Custodians** tab
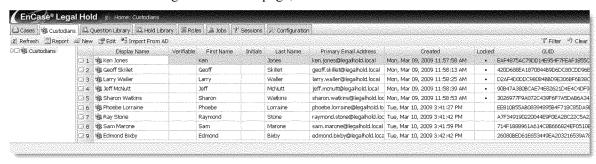
Figure 3-8 Custodians in the global list

2. Click the **New** button

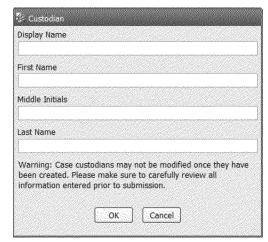 • The Custodian dialog displays

Figure 3-9 New Custodian dialog box

3. Fill in the fields

  • The display name is required

4. Click **OK**

The custodian is saved as part of the global custodians list and is available for use in any case. However the SID of the custodian will not be able to be verified in later versions of Legal Hold.

Adding an Email Address for a Custodian

To add an email address for a custodian:

1. Find the custodian within the global custodian list

2. From the Legal Hold home page, click the **Custodians** tab

Figure 3-10 Double-click to view the email address(s)

3. Double-click on the custodian's name

   - A list of email addresses associated with that custodian displays

Figure 3-11 Email Address(s) of custodian

4. Click **New**

   - The Custodian Email Address dialog displays

Figure 3-12 Add email address(s) of custodian

5. Enter the email address for the custodian and click **OK**

6. Repeat for as many email addresses as you wish to enter

   NOTE: Email addresses added to the global custodians list are not automatically copied
   to existing cases.

Changing a Custodian's Information

Modifying an Existing Custodian

To modify an existing custodian:

1. Find the custodian within the global custodians list

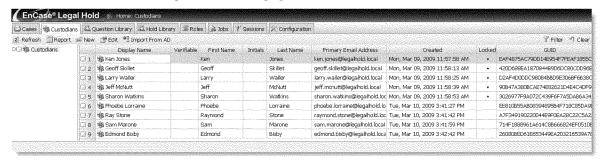2. From the Legal Hold home page, click the **Custodians** tab

Figure 3-13 List of available custodians

3. Highlight the custodian you wish to modify

4. Click the **Edit** button

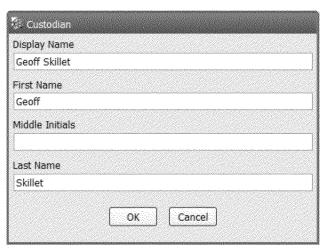   - The Custodian dialog appears, showing the current information for the selected custodian

Figure 3-14 Editing a custodian

5. Modify the fields as appropriate

6. Click **OK**

   - The changes will be saved for that custodian

Modifying an Email Address for a Custodian

To modify an email address for a custodian:

1. Find the custodian within the global custodians list

2. From the Legal Hold home page, click the **Custodians** tab

Figure 3-15 List of available custodians

3. Double-click on the custodian's name

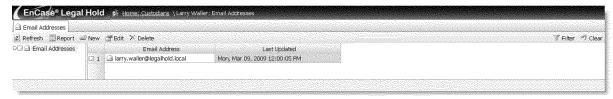   - A list of email addresses associated with that custodian displays

Figure 3-16 Modify an email address

4. Double-click on the email address you wish to change

   - The Custodian Email Address dialog displays showing the current information
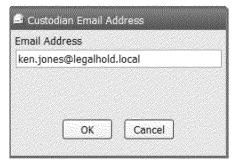
Figure 3-17 Custodian email address

5. Change the email address and click **OK**

Deleting an Email Address for a Custodian

To delete an email address for a custodian:

1. Find the custodian within the global custodian list

2. From the Legal Hold home page, click the **Custodians** tab

3. Double-click on the custodian's name

   - A list of email addresses associated with that custodian displays

4. Select the email address(es) you wish to delete

5. Click **Delete**

ASSOCIATING A CUSTODIAN WITH A CASE

There are two ways to associate a custodian with a case. You can either select an existing custodian from the global custodians list or create a new custodian from within a case.

Selecting a Custodian for a Case from the Global Custodian List

To select a custodian for a case from the global custodians list:

1. Open the case

2. From the Legal Hold home page, click the **Cases** tab

3. Double-click on the desired case name
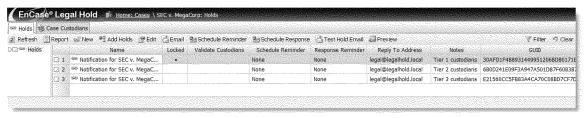
   - A list of holds within that case displays

Figure 3-18 Opening a case to add custodians

4. Open the **Case Custodians** tab

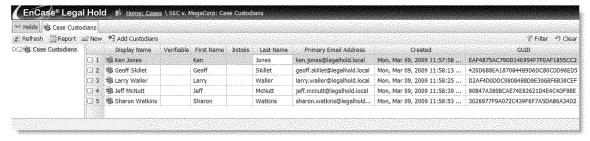   - The list of custodians in the case displays

Figure 3-19 Click on the Case Custodians tab

5. Click **Add Custodians**

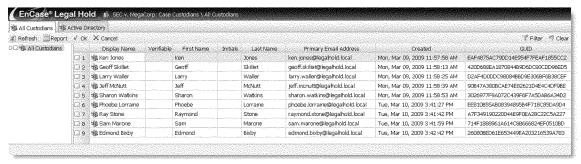   • The list of global custodians displays

Figure 3-20 Select the custodians to be added to the case

6. Select (blue-check) the custodians you wish to associate with the case and click **OK**

Creating a Custodian from Within a Case

To create a custodian from within a case:

1. Open the case

2. From the Legal Hold home page, click the **Cases** tab

3. Double-click on the desired case name

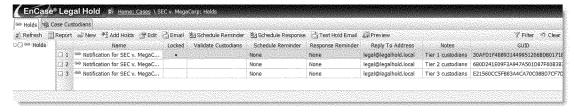   • A list of holds within that case displays (if any)

Figure 3-21 Select the custodians to be added to the case

4. Open the Case Custodians tab
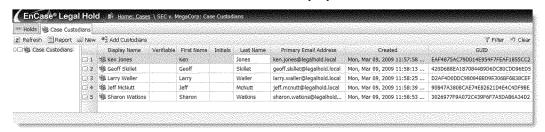
    • The list of custodians in the case displays

Figure 3-22 Click "New" to add a custodian to a case

5. Click **New**

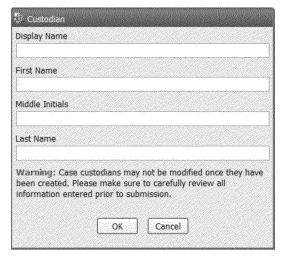- The Custodian dialog displays

Figure 3-23 New Custodian dialog box

6. Fill in the fields

- The display name is required

7. Click **OK**

The custodian is saved as one of the custodians in the current case. It is also saved in the global custodians list.

NOTE: Later versions of Legal Hold will have the ability to verify the SID (Security ID) of a custodian to confirm he or she was the correct person responding to the Legal Hold. This feature will not be available for custodians who are added manually instead of through the Active Directory import function in ECC.

Finding a Custodian within a Case

If you later need to review the custodians in a case:

1. Open a case

2. From the Legal Hold home page, click the **Cases** tab

3. Double-click on the desired case name

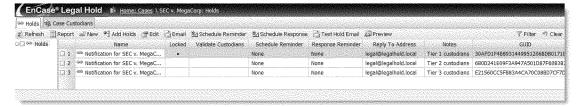   - The breadcrumbs change to show that you are now in the selected case

Figure 3-24 Open a case

4. Open the Case Custodians tab

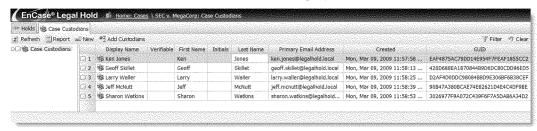   - The list of custodians in the case displays

Figure 3-25 Select the desired custodian

FILTERING YOUR INFORMATION

Every content pane in Legal Hold provides you with a filtering option to pare down a long list into one that is more manageable. This may be very helpful when looking for custodians in a long global custodians list. The filter hides rows in the table area of your window so that fewer items are visible.

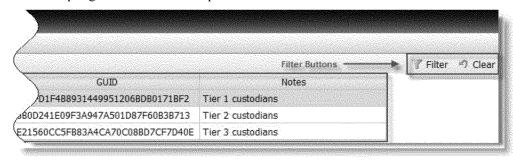On the top-right side of the table pane are two buttons: **Filter** and **Clear**.

Figure 3-26 Filtering information

To filter your information:

1. Click **Filter**

   - The filter dialog displays

     NOTE: The fields shown in the filter dialog are specific to the items you are
     viewing.

Figure 3-27 Filter dialog box

   - o The filter dialog shows one entry field for every column in the table that is
        available to be filtered. For example the Custodians tab filter dialog is shown in
        Figure 3-27. It has one field for almost every column in the Custodians tab.

2. Type the terms you wish to see into the appropriate fields and click **OK**

   - The table is filtered to include only those rows that contain the search terms in the
     columns

     - o For example in the filter dialog shown above, typing "son" into display name
          shows all names that contain the text string "son" such as:

          – John Johnson

          – Jack Johnson

          – But not Jack Jones

     - o For another example, in the filter dialog shown above, typing "ja" into first name
          and "son" into last name shows all first names that contain the text string "ja"
          and all last names that contain the text string "son" such as:

          – Jack Johnson

          – James Jameson

          – But not:

            ▪ Jack Franklin ("ja" but not "son")

            ▪ John Jameson ("son" but not "ja")

- You can work with the filtered list in the same way as you would an unfiltered list

    o Once a filter is in place, it is not removed until you clear it

3. Click the **Filter** button to reopen the dialog and display your current values

    - You can modify the filter terms at any time

4. Click **Clear** to remove all filtering

Notes

Notes

Creating a Hold

Prior to sending out a hold, you must first create the hold and its contents. You can create a new hold from scratch or use an existing hold template from the Hold Library. All holds must have at least one custodian in order to be sent.

The contents of a hold consist of a **_legal notification_** and one or more **_questions_**. These questions will most likely be provided by your legal department dependent upon the nature of the case and will be specific to your organization's needs.

Before you can send a hold, you need to determine or gather the following information:

- The name you will use to refer to the hold
- The reply-to email address for the hold notification email
- The email subject line and body for the hold notification email
- A text body for the hold notification response web page
- One or more questions for custodians to answer when they respond to the hold
    - If any of the questions in a hold are multiple-choice questions, you must create a set of answers for these questions as well

You can edit and modify any hold until the hold has been sent to a custodian. Once the notification for a hold has been sent to a custodian (even if the custodian has not yet read the email message or acknowledged the hold), the hold is locked and cannot be modified. This ensures that future reports accurately characterize the communications with the custodian.

ADDING A NEW HOLD TO A CASE

There are two ways to add a hold to a case. You can either create a hold directly in the Hold Library and add it to the case later or you can create a new hold directly inside a case.

Holds in the Hold Library can be reused in multiple cases and serve as a resource for future holds. If you use a hold from the Hold Library in a case, that hold is copied into the case. This allows you to use the same source hold for several cases simultaneously.

Changes to a hold in the Hold Library will not change the hold in your case.

Similarly changes you make to a hold in your case will not affect the source hold in the Hold Library.

Creating a Hold in the Hold Library

To add a hold to the Hold Library:

1. Go to the Hold Library

   - From the Legal Hold home page, click the **Hold Library** tab

     o The list of global holds displays

Figure 4-1 Click on the Hold Library tab
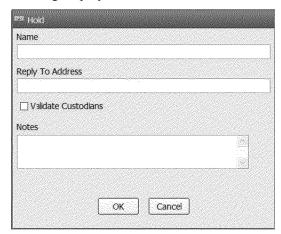
2. Click the **New** button

   - The Hold dialog displays

Figure 4-2 Adding a new hold

3. Fill in the fields

   - **Name** – The name of the hold

   - **Reply To Address** – The email address from which the email will appear to be have been sent when mailed

- When **Validate Custodians** is checked, Legal Hold verifies the custodian's identity each time the custodian views the hold notification by prompting the custodian for her user name and password
  - o If the custodian credentials match those that were imported into Legal Hold from Active Directory, the hold notice appears
  - o If the credentials do not match, an error message displays
  - o Custodians that were not imported using Active Directory are not prompted for credentials even if **Validate Custodians** is checked
  - o Custodians are not prompted if their browser settings have automatic logon enabled
- **Notes** – A free-form field for entering additional information about the hold

4. Click **OK**

- The hold is saved in the Global Hold Library

Once a hold is saved to the Hold Library, you can use it as a template for a hold in any other case.

Opening Hold in the Hold Library

To later open a hold in the Hold Library:

1. From the Legal Hold home page, click the **Hold Library** tab

- The list of global holds displays

Figure 4-3 Opening a hold

2. Double-click on a hold to open it

Adding an Existing Hold to a Case

To add an existing hold to a case:

1. Open the case

2. From the Legal Hold home page, click the **Cases** tab

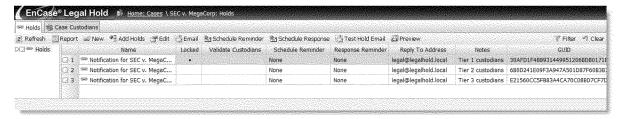3. Double-click on the case name

   - You are now in the selected case

Figure 4-4 Adding a hold to a case

4. Click **Add Holds**

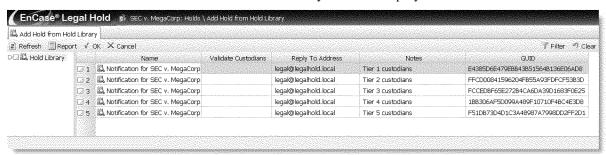   - The Add Hold from Hold Library window displays

Figure 4-5 Select the hold to add to a case

5. Select (blue-check) the hold you wish to add and click **OK**

   - A copy of the hold is associated with the case

   NOTE: Any changes you make to the hold in the Hold Library will not affect the copy you have just associated with the case. This enables you to use the same source hold for several cases simultaneously.

Creating a New Hold from Within a Case

To create a new hold from within a case:

1. Open the case

2. From the Legal Hold home page, click the **Cases** tab

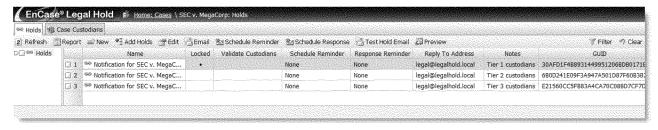3. Double-click on the case name

   - A list of holds in the case appears

Figure 4-6 Open a case to create a hold
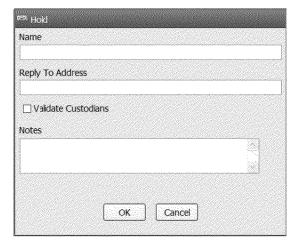
4. Click **New**

   - The Hold dialog displays

Figure 4-7 New Hold dialog box

5. Fill in the fields

   - **Name** – The name of the hold.

   - **Reply To Address** – The email address from which the email will appear to have been sent when mailed

- When **Validate Custodians** is checked, Legal Hold verifies the custodian's identity each time the custodian views the hold notification by prompting the custodian for her user name and password

  - If the custodian credentials match those that were imported into Legal Hold from Active Directory, the hold notice appears

  - If the credentials do not match, an error message displays

  - Custodians that were not imported using Active Directory are not prompted for credentials even if **Validate Custodians** is checked

  - Custodians are not prompted if their browser settings have automatic logon enabled

- **Notes** – A free-form field for entering additional information about the hold

6. Click **OK**

   - The hold is created and associated with the case; it is *not* saved in the global Hold Library

Modifying the Name or Reply-To Address of a Hold

You can modify the name or reply-to address of a hold within the Hold Library or for an individual case. To do so:

1. Go to the Hold Library

2. From the Legal Hold home page, click the **Hold Library** tab

   - The list of global holds displays

Figure 4-8 View the Hold Library to edit a hold

3. Select (blue-check) the hold you wish to edit

4. Click the **Edit** button

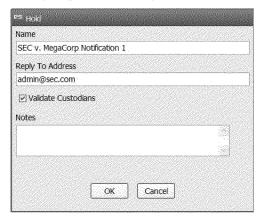- The Hold dialog displays, showing the current information for the hold

Figure 4-9 Edit a hold

5. Change the fields as needed and click **OK**

- The changes are saved

To modify the name or reply-to address of a hold in a case:

1. Open the case

2. From the Legal Hold home page, click the **Cases** tab

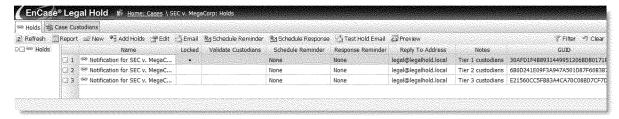3. Double-click on the case name

- You are now in the selected case

Figure 4-10 Modify a hold from a case

4. Select the hold you wish to edit

5. Click the **Edit** button

- The Hold dialog displays, showing the current information for the hold

6. Change the fields as needed and click **OK**

- The changes are saved

EXAMPLE NOTIFICATION

The content of your notification email will be unique to your case and organization, and you should obtain the verbiage to be used from your legal department. The following is an example of a legal hold notification and is not intended to be legal advice.

The email body can be used to give the custodians instructions to ensure their workstations and/or notebooks are online and available for collection.

The notice text is the legal language for the web page to notify custodians of the litigation hold on the ESI in their custody displayed above the list of questions for the hold.

Email Subject Example
BE ADVISED - Legal Hold Notification

Email Body Example
Please be advised that the Legal Department requires your assistance with respect to preserving corporate information in a pending legal matter.

Electronically stored data in your possession or control is an important and irreplaceable source of evidence in this matter. The lawsuit requires preservation of all information that may be potentially relevant until a termination notice is sent from this department.

The information that is subject to the hold includes, but is not limited to, email and other electronic communication, word processing documents, spreadsheets, databases, calendars, telephone logs, contact information, Internet usage files, and network access information.

Employees must take every reasonable step to preserve this information until further notice from the Legal Department. Therefore do not delete any documents from your computer until we have completed preserving all potentially relevant documents and emails on your computer. Failure to do so could result in extreme penalties against the Corporation. If this correspondence is in any respect unclear, please contact [designated coordinator] at [phone number].

To facilitate this preservation obligation, starting at _____ on_____, it is requested that you keep your assigned computers in a powered-on state until a termination notice is sent from this department. We will be scanning your computer and collecting potentially relevant documents pursuant to this matter. Please confirm that your computer is connected to the network by a network cable during this period. A wireless connection is not acceptable. You may logout for security purposes when you are not at your workstation, but do not restart the computer after that date! A connection loss for any reason will delay the completion of this litigation hold and may require us to take physical possession of your computer to complete the collection.

Notice Text Example
Please be advised that the Office of General Counsel requires your assistance with respect to preserving corporate information in the above-referenced matter. Electronically stored data is an important and irreplaceable source of discovery and/or evidence in this matter.

The lawsuit requires preservation of all information from the Corporation's computer systems, removable electronic media, and other locations relating to this investigation. This includes, but is not limited to, email and other electronic communication, word processing documents, spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, and network access information.

Employees must take every reasonable step to preserve this information until further notice from the Office of General Counsel. Failure to do so could result in extreme penalties against the Corporation. If this correspondence is in any respect unclear, please contact [designated coordinator] at [phone number].

CREATING NOTIFICATION LANGUAGE

You can create the email subject line, email body text, and notification text of a hold within the Hold Library or for an individual case.

Working in the Hold Library

To create the email subject line, email body text, and notification text in the Hold Library:

1. Open up a hold in the Hold Library

2. From the Legal Hold home page, click the **Hold Library** tab

3. Double-click on the desired hold

    *   The breadcrumbs change to indicate you are now in the hold
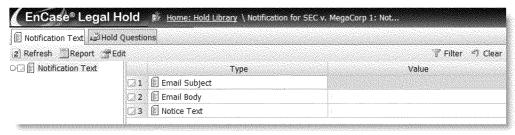
Figure 4-11 Create the notification text

4. Double-click on a row

    *   A Hold text box displays
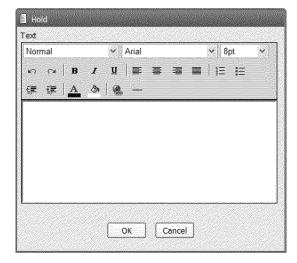
Figure 4-12 Enter the email subject

- Enter and format the desired text

  - You can also copy and paste formatted text from Microsoft® Word into Legal Hold

  - Most formatting is preserved exactly, however, some formatting such as tables and bullets may have to be slightly adjusted

5. Enter the subject for the email and click **OK**

   NOTE: Email subjects cannot be formatted.

6. Repeat for the email body and the notice text

Modifying Email Subject Line, Body Text, or Notification Text

To modify email subject line, body text, or notification text of a hold within the Hold Library:

1. Open up a hold in the Hold Library

2. From the Legal Hold home page, click the **Hold Library** tab

3. Double-click on the hold name

   - You are now in the selected hold
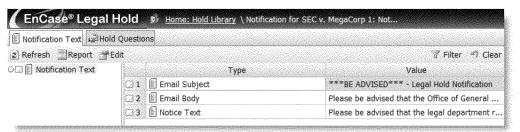
Figure 4-13 Modify notification language

4. Double-click on the row you wish to change

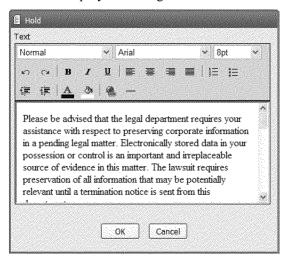- A Hold text box displays showing the current information, if any

Figure 4-14 Edit the notification text

5. Modify and reformat the desired text

- You can also copy and paste fully formatted text from Microsoft Word into Legal Hold

- Most formatting is preserved exactly, however, some formatting such as tables and bullets may have to be slightly adjusted.

   NOTE: Email subjects cannot be formatted.

6. Enter in the desired text and click **OK**

Working in the Case

To create the email subject line, body text, and notification text in a case:

1. Open the case

2. From the Legal Hold home page, click the **Cases** tab

3. Double-click on the case name

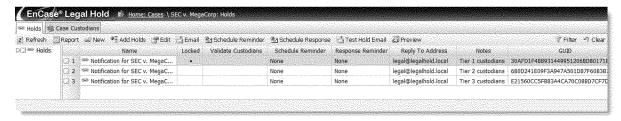   - You are now in the selected case

Figure 4-15 Create the notification text from a case

4. Double-click on the hold name
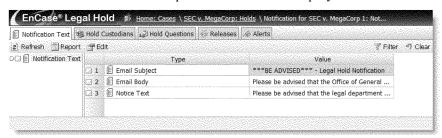
   - The notification text options for that hold displays

Figure 4-16 Create the notification text

5. Double-click on the **Email Subject** row

   - A Hold text box displays

6. Enter in the email subject and click **OK**

7. Repeat for all rows to enter in the email body and notice text

Modifying the Email Subject Line, Body Text, or Notification Text in a Case

You can modify the email subject line, body text, and notification text of a hold within an individual case.

To modify email subject line, body text, or notification text of a hold within an individual case:

1. Open the case
2. From the Legal Hold home page, click the **Cases** tab
3. Double-click on the case name
    *   You are now in the selected case

Figure 4-17 Select the notification text to modify

4. Double-click on the hold name
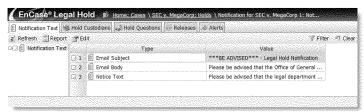   *   The notification text options for that hold display

Figure 4-18 Modify the notification text

5. Double-click on the row you wish to change
    *   A Hold text box displays showing the current information, if any
6. Enter in the desired text and click **OK**

CREATING QUESTIONS FOR CUSTODIANS

There are two ways to add a question to a hold. You can either create a question in the Question Library and add it to a hold later, or you can create a new question from within a hold. You can also reuse a question from an existing hold in the same case.

Questions in the Question Library can be reused in multiple cases. They can also be used in multiple holds within a case.

Example Questions

The questions for your custodians will be unique to the case and to your environment focusing on how custodians use and store ESI in their business operations. Below are some example questions for a hold to custodians. They are not intended to be comprehensive nor serve as legal advice.

1. Have you read the Purpose and Scope of Litigation Hold (also referred to as Record Hold Order XX-XXX) in its entirety?   YES/NO

2. Do you understand the scope of the preservation obligations set forth above?   YES/NO

3. Do you understand the Corporation's Records Retention Policy?   YES/NO

4. Do you store documents on your desktop computer at work?   YES/NO

5. Do you store documents on your laptop computer?   YES/NO

6. Do you store documents on shared folders on servers?   YES/NO

7. Do you store documents on email (including archived email, sent items, and deleted items)?   YES/NO

8. Do you store documents on external hard drives?   YES/NO

9. Do you store documents on external media (such as USB flash drives)?   YES/NO

10. Do you store documents on optical media (CD/DVD)?   YES/NO

11. Do you store documents on your Blackberry, cell phone, or other mobile device?   YES/NO

12. Do you store documents on personal equipment at home or elsewhere?   YES/NO

13. Are there any other places you store documents related to the Corporation?   Open-ended question

Creating a New Question in the Question Library

Once you have your questions in consultation from your Legal Department, you are ready to create the questions in EnCase® Legal Hold. To create a new question in the Question Library:

1. Go to the Question Library

2. From the Legal Hold home page, click the **Question Library** tab

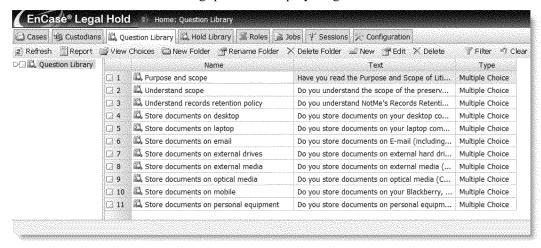   - The list of existing questions displays organized in folders

Figure 4-19 Select the Question Library

3. If you want to create a new folder for the question or questions you are creating, click the **New Folder** button

   - The New Folder dialog opens

Figure 4-20 Creating a new folder for questions

4. Type the name of the new folder and click **OK**

    - The new folder is created as a subfolder of the currently selected folder

5. To create a new question, click the **New** button

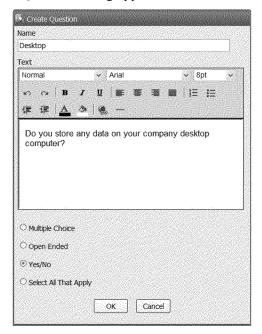   - The Create Question dialog appears

Figure 4-21 Create Question dialog box

6. Fill in the fields:

    - Give the question a name

    - Type the text of the question itself in the text box

    - Select the question type

        o   **Multiple Choice** questions allow the custodian to pick one of several preconfigured answers

        o   **Open Ended** questions provide the custodian with a way to answer in any way they choose

        o   **Yes/No** questions allow the custodian to answer Yes or No

        o   **Select All That Apply** questions allow the custodian to select as many preconfigured answers as they like

7. Click **OK**

    - The new question is created and stored within the currently selected folder of the Question Library

8. If you have created a multiple-choice question, double-click on the new question in the Question Library window
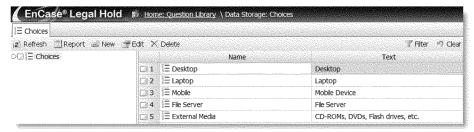
    - The Choices tab displays

Figure 4-22 Choices tab

9. Click **New**
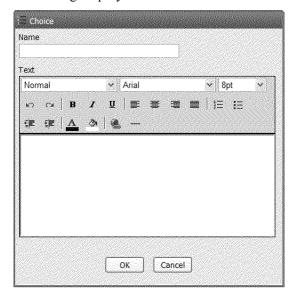
    - The Choice dialog displays

Figure 4-23 Choice dialog box

10. Fill in the fields

    - Give the choice a name

    - Type the text of the choice itself in the text box

    - You can copy and paste fully formatted text from Microsoft Word into the text box

11. Click **OK**

    - The new choice is now associated with the question in the Question Library

Once a question is saved in the Question Library, you can use it in as many holds as you want.

Adding an Existing Question to a Hold

To add an existing question to a hold:

1. Go to a hold within your current case

2. From the **Cases** tab on the Legal Hold home page, double-click on the case name

   - A list of holds in the case appears

3. Double-click on the hold name

4. Click the **Hold Questions** tab

   - The list of existing questions, if any, displays
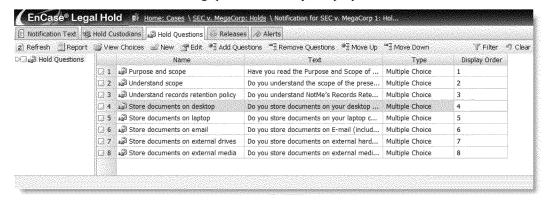

Figure 4-24 Hold Questions tab

5. Click **Add Questions**

   - The Add Questions window displays showing the list of questions currently in the case
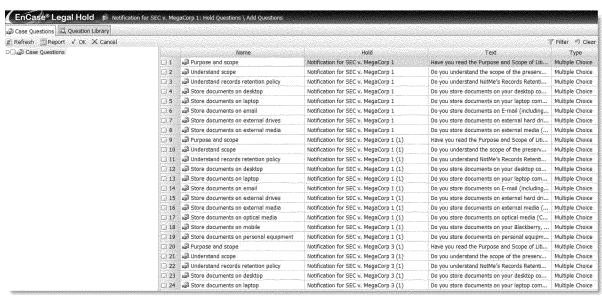
Figure 4-25 Case Questions

6. Click the **Question Library** tab to see a list of questions in the Question Library
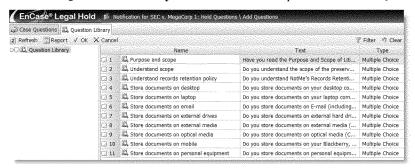

Figure 4-26 Question Library

7. Select (blue-check) the question(s) you wish to add and click **OK**

    *   The selected questions are added to the currently active hold

Creating a New Question from Within a Hold

You can also create a new question from within a hold:

1. Go to a hold within your current case

2. From the **Cases** tab on the Legal Hold home page, double-click on the case name

    *   A list of holds in the case appears

3. Double-click on the hold name

4. Click the **Hold Questions** tab
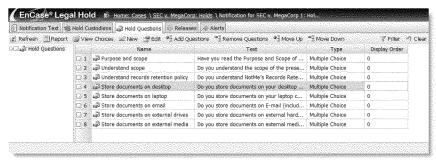
    *   The list of existing questions, if any, displays

Figure 4-27 Hold Questions tab

5. Click the **New** button
   - The Create Question dialog appears

Figure 4-28 Create Question dialog box

6. Fill in the fields
   - Give the question a name.
   - Type the text of the question itself in the text box
     - You can copy and paste formatted text from Microsoft Word into Legal Hold
     - Most formatting is preserved exactly, however, some formatting such as tables and bullets may have to be slightly adjusted
   - Select the question type.
     - **Multiple Choice** questions allow the custodian to pick one of several preconfigured answers
     - **Open Ended** questions provide the custodian with a way to answer in any way they choose
     - **Yes/No** questions allow the custodian to answer Yes or No
     - **Select All That Apply** questions allow the custodian to select as many preconfigured answers as they like
7. Click **OK**
   - The new question is created and associated with the case

8. If you have created a multiple-choice question, double-click on the new question in the **Hold Questions** tab
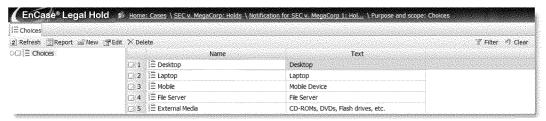
- The Choices window appears

Figure 4-29 Question Choices

9. Click **New**
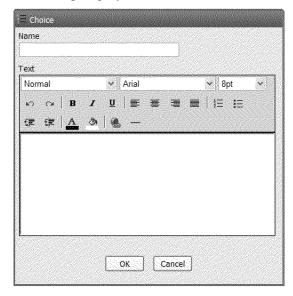
- The Choice dialog displays

Figure 4-30 Choice dialog box

10. Fill in the fields

- Give the choice a name

- Type the text of the choice itself in the text box

- You can copy and paste fully formatted text from Microsoft Word into the text box

11. Click **OK**

- The new choice is now associated with the question

MODIFYING QUESTIONS

There are two ways to change questions: from within the Question Library and from within the hold itself.

Modifying a Question in the Question Library

To modify a question in the Question Library:

1. Go to the Question Library

2. From the Legal Hold home page, click the **Question Library** tab

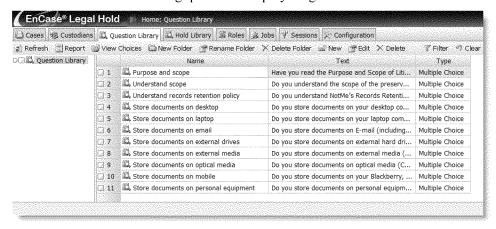   *   The list of existing questions displays organized in folders

Figure 4-31 Question Library

3. If you wish to edit the question itself, select the question you wish to modify and click **Edit**

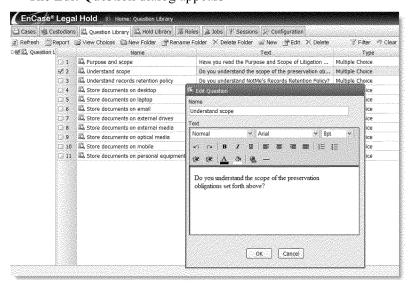   *   The Edit Question dialog appears

Figure 4-32 Edit the question

4. Modify the text as needed and click **OK**

- The changes are saved

  NOTE: You cannot change the type of a question (for example, from multiple
  choice to open ended).

5. If you want to change the choices for a Yes/No, Multiple Choice, or Select All that Apply
   question, double-click on the question in the Question Library window

- The Choices window displays

Figure 4-33 Question Choices

6. Select the choice you wish to modify and click **Edit**

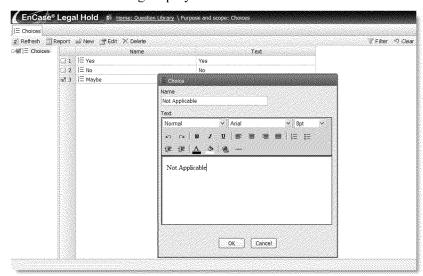- The Choice dialog displays

Figure 4-34 Edit the Choice

7. Modify the text as needed and click **OK**

- The changes are saved

Modifying a Question from Within a Hold

To modify a question from within a hold:

1. Go to a hold within your current case

2. From the **Cases** tab on the Legal Hold home page, double-click on the case name

   - A list of holds in the case appears

3. Double-click on the hold name

4. Click the **Hold Questions** tab
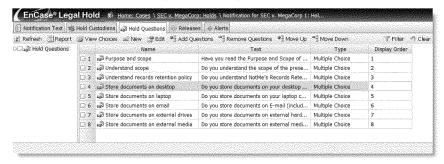
   - The list of existing questions displays

Figure 4-35 Hold Questions tab

5. Select the question you wish to modify and click **Edit**
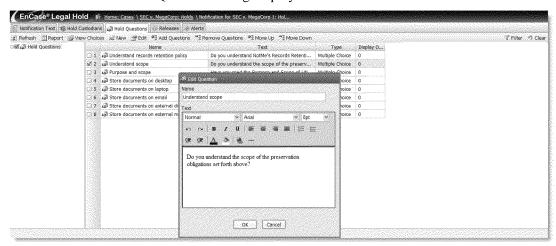
   - The Edit Question dialog displays

Figure 4-36 Edit the question

6. Modify the fields as needed and click **OK**

   - The changes are saved